

Abstract

Invalidity and Ineffectiveness of Legal Acts in Insolvency Proceedings

The purpose of my thesis is to describe and analyse statutory framework of rules which prevent underlying assets from being unlawfully reduced.

The thesis is composed of five chapters which are divided into subchapters. The core of the thesis lies in chapters 4 and 5.

Introductory chapter explains collective essence of insolvency proceedings in which claims of creditors are satisfied proportionally. Then it clarifies core of this thesis, i.e. analysis of acts, whom debtor reduces underlying assets, or rather his creditors. It also explicates changes in terminology, which are caused by recodification of civil law.

Chapter Two describes development of ineffectiveness since Roman law until the present.

Third chapter, concerning civil law, is subdivided into four subchapters. The first defines legal act. Second describes its invalidity. The third, which is most extensive, deals with relative ineffectiveness in civil law. Its parts relate to the reasons of ineffective legal acts, trials about them and consequences of ineffectiveness. Last subchapter summarizes opportunities of application this rules in insolvency proceedings.

Chapter Four which concerns insolvency proceedings is divided into two subchapters. The first of them deals with reasons for which acts can be declared as ineffective. Initially, there are discussed common features of such reasons followed by detailed description of them. The second subchapter characterises reasons for declaring invalidity of legal act.

Last chapter concentrate on trials about invalidity and ineffectiveness. This chapter consists of three subchapters. First describes and analyses trial concerning ineffectiveness, especially claimant's and plaintiff's legitimation for case, subject-matter jurisdiction of court and collision with civil law ineffectiveness. The second subchapter looks at process of declaring invalidity. The third describes differences in process of declaring invalidity and

ineffectiveness and its consequences for underlying assets.

Key words: ineffectiveness, invalidity, insolvency proceedings